

Exhibit 4

Vicki Bott
2/13/2018

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1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

3 UNITED STATES OF AMERICA,) CIVIL ACTION NO.
4) 2:16-CV-14050-MAG-RSW
5)
6 PLAINTIFF,)
7) VIDEOTAPED DEPOSITION
8 VS.) OF VICKI ANN BOTT
9)
10 QUICKEN LOANS, INC.,)
11)
12)
13 DEFENDANT.)
14)
15)

16 - - - - -

17 VIDEOTAPED DEPOSITION OF VICKI ANN BOTT,
18 taken before Michele M. Chase, a Certified Shorthand
19 Reporter in and for the State of Iowa, beginning at
20 8:26 a.m., on February 13, 2018, at the U.S.
21 Courthouse Annex, 110 East Court Avenue, Suite 286,
22 Des Moines, Iowa.
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1 hearing internally at FHA or on the street --

2 MR. REIMER: Objection --

3 BY MR. MORGANROTH:

4 Q. -- in terms of, you know, TOTAL Scorecard
5 and their obligations of usage --

6 MR. REIMER: -- objection to form.

7 BY MR. MORGANROTH:

8 Q. -- right?

9 A. During the time I was at FHA, there were
10 people who wanted clarifications. I do not believe
11 there were significant indemnifications happening at
12 the time to raise the issue. But the IG
13 definitely -- I mean, this is very specific to the
14 inspector general at the time, and they sometimes, I
15 agree, had different rules.

16 (Exhibit No. 25
17 marked for identification.)

18 BY MR. MORGANROTH:

19 Q. Ms. Bott, you've been handed what's been
20 marked as Exhibit 25.

21 MR. MORGANROTH: For the record, it's
22 an email chain. The top email is from Vicki Bott to
23 Karin Hill. It's been Bates stamped USQKN2463919
24 through 2463920. It's been marked confidential
25 pursuant to the protective order.

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1 BY MR. MORGANROTH:

2 Q. I'd like to focus in on the second email,
3 which is from you to Robert Ryan and Dave Stevens --
4 David Stevens, July 30 of 2010.

5 Do you see that?

6 A. Yep.

7 MR. REIMER: Jeff, can I get a second
8 just to read this real quick?

9 I'm going to designate this document as
10 covered by deliberative process and claw it back at
11 this point. It goes to the inner workings of TOTAL
12 Mortgage Scorecard, and we have designated that
13 topic as a deliberative process topic, how TOTAL
14 works. It's the formulas and inputs that make its
15 decisions. So I'm going to claw this document back
16 at this time.

17 MR. MORGANROTH: I don't understand
18 the objection and the --

19 MR. REIMER: Nevertheless, I'm
20 clawing the document back as a deliberative process.

21 MR. MORGANROTH: Well, the
22 explanation you just gave does not support
23 deliberative process privilege over this document.

24 MR. REIMER: And -- well, I think it
25 does. The deliberative process is the thought

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1 process and what goes into the determination of a
2 government decision and the inner working of inputs
3 to TOTAL Mortgage Scorecard, and what is -- what
4 constitutes an accept or refer decision is something
5 that we have asserted that privilege over. So I'm
6 going to claw the document back.

7 MR. MORGANROTH: Okay. Well --

8 MR. REIMER: I'm happy to go off the
9 record and have a conversation with you if you'd
10 like to, so --

11 MR. MORGANROTH: I know. We're using
12 up my time, so --

13 MR. REIMER: -- I don't burn your
14 time up. I know. So do you want to --

15 MR. MORGANROTH: -- I'm going to ask
16 you for these few minutes back that we're arguing
17 about this. But, listen, I -- I don't agree with
18 your -- your clawback or your -- your objection and
19 characterization. But, I mean, that -- I guess
20 that'll be for another time, and I won't ask the
21 witness about this.

22 MR. REIMER: Okay. Thank you.

23 MR. MORGANROTH: And you're taking
24 away my document?

25 MR. REIMER: Yes. Andy?

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1 MR. LUSK: We're going to keep the
2 ones we got back at the office. You understand
3 that, right?

4 MR. REIMER: Well, I will formally --
5 we'll formally withdraw -- assert -- claw these
6 back. That was 25, so we can remark something as
7 25.

8 MR. MORGANROTH: Well, no. We should
9 keep that as --

10 MR. REIMER: Well, how -- all right.
11 Fine. We'll keep it marked as 25, but I'm going to
12 take it with me.

13 MR. MORGANROTH: It's just --

14 MR. REIMER: Okay.

15 MR. MORGANROTH: We'll have something
16 else as 26. We'll pull out a new guy.

17 MR. REIMER: I'm also going to
18 delegate it as attorneys' eyes only, but that --
19 nevermind -- it doesn't really matter because I'm
20 clawing it back. Sorry. Strike that.

21 MR. MORGANROTH: Can we take a
22 break -- do you mind if we take a break for a
23 second?

24 VIDEOGRAPHER: Off the record at
25 1223.

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1 existing, slash, new review rules.

2 Do you see that?

3 A. Yep.

4 Q. Okay. Let's look at another attachment.

5 (Exhibit No. 30

6 marked for identification.)

7 MR. REIMER: Jeff, I'm going --

8 MR. MORGANROTH: You're going to claw

9 this back?

10 MR. REIMER: I'm going to claw this

11 document back, too.

12 MR. MORGANROTH: Which one?

13 MR. REIMER: The document that --

14 well, are you going -- the document you just handed

15 me, has it been marked yet?

16 MR. MORGANROTH: It's part of the

17 attachment to what I've marked as Exhibit 28.

18 MR. REIMER: Okay. Well so --

19 THE WITNESS: 29.

20 MR. REIMER: -- okay. Well, so the

21 document -- you marked the last one as 29 separate?

22 MR. MORGANROTH: Yeah, 29 was the

23 frist attachment. This is the second attachment.

24 MR. REIMER: Okay. And so I'm going

25 to claw back this --

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1 MR. MORGANROTH: They're all
2 attachments to 28.

3 MR. REIMER: -- I'm going -- 29 is --
4 I'm not clawing that one back, but I'm going to claw
5 back the second attachment, which is titled, TOTAL
6 Scorecard project management plan.

7 MR. MORGANROTH: And what's your
8 basis?

9 MR. REIMER: Deliberative process.
10 This goes into the inner workings of the government
11 predecisional -- predecisional to rolling out a new
12 project, and it would potentially allow for the
13 reverse engineering of TOTAL Mortgage Scorecard.

14 MR. MORGANROTH: Okay. Reading this
15 document, I disagree with you on -- on that
16 interpretation.

17 MR. REIMER: Okay.

18 MR. MORGANROTH: That's not what this
19 is. And it wouldn't give anyone the ability to
20 reverse engineer. This is --

21 MR. REIMER: Well, I'm clawing the
22 document back. So my understanding is -- of the
23 rules is you have to --

24 MR. MORGANROTH: Okay. Well, let me
25 identify it for the record, and then --

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1 MR. REIMER: Sure.

2 MR. MORGANROTH: Well, we'll mark it
3 as Exhibit 30, but he's going to claw it back, and
4 I'm just going to have --

5 MR. CEARLEY: 29 and 30?

6 MR. MORGANROTH: 30. So for the
7 record, Exhibit 30 is entitled TOTAL Scorecard
8 project management plan. It's been Bates stamped
9 USQKN2468655 through 2468668. It was marked
10 confidential pursuant to the protective order. This
11 is -- just for the record, is part --

12 MR. REIMER: Please do not discuss
13 the -- what you believe --

14 MR. MORGANROTH: No, no.

15 MR. REIMER: Okay.

16 MR. MORGANROTH: Hang on. For the
17 record, this was one of the attachments to
18 Exhibit 28. There were three attachments, and this
19 was the second one. 29 was the first attachment.
20 And I have another attachment which I'm going to
21 mark next, and we'll see if you're clawing that one
22 back.

23 MR. REIMER: Okay.

24 MR. MORGANROTH: But my understanding
25 is Exhibit 30 is being clawed back.

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1 MR. REIMER: Yes.

2 MR. MORGANROTH: So I'm handing my

3 copy to --

4 MR. REIMER: Thank you.

5 MR. MORGANROTH: -- Mr. Reimer. And

6 here is the original. Not the original, but the

7 marked one.

8 (Exhibit No. 31

9 marked for identification.)

10 MR. REIMER: So I'm going to claw

11 this one back, too.

12 MR. LUSK: How is this remotely close

13 to that --

14 MR. MORGANROTH: Yeah.

15 MR. LUSK: -- I mean, that makes no

16 sense.

17 MR. REIMER: The document contains

18 predecisional work of the government --

19 MR. LUSK: No. Where --

20 MR. REIMER: -- as covered by the

21 deliberative process -- Andy, I'm not -- I'm not

22 asking you to opine on this. I'm clawing this

23 document back --

24 MR. LUSK: We had --

25 MR. REIMER: -- as we are --

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1 MR. LUSK: -- this conversation --

2 MR. REIMER: -- permitted to do.

3 MR. LUSK: -- before. I don't need
4 your permission to opine on things --

5 MR. REIMER: Okay.

6 MR. LUSK: -- okay?

7 MR. REIMER: Well, I'm --

8 MR. LUSK: Jeez, stop doing that.

9 MR. MORGANROTH: Mr. Reimer, just --
10 I ask that you reconsider --

11 MR. REIMER: I'm asking to claw back
12 the document.

13 MR. MORGANROTH: I understand that,
14 but let me just make a statement for the record and
15 see if you'll reconsider. This document compares
16 prior versions of TOTAL Scorecard, which are all
17 stale and none of them are in -- in effect. So it's
18 a -- it has the version, and the last version that's
19 being referenced here is from 2010.

20 And it compares aspects of those prior
21 versions, none of which would be in effect now and
22 none of which would give anyone the ability to
23 reverse engineer anything. And it doesn't have any
24 deliberative process comments on here. It's just a
25 spreadsheet as to the elements of prior versions.

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1 MR. REIMER: The last version is --
2 my understanding is -- as I'm reading this is a
3 version that's being worked on and concerns that, so
4 that's why I'm going to claw this document back.

5 MR. MORGANROTH: Well, so then you
6 don't get to claw the whole document back. If
7 that's the case, then it would just be the last
8 version that would be redacted if -- if for some
9 reason that would be privileged, but the rest of the
10 document isn't.

11 MR. REIMER: I'm going to claw this
12 document back.

13 MR. MORGANROTH: All right. I'm
14 going to object to you clawing these documents back,
15 but I understand you're clawing it back. This would
16 be marked as Exhibit 31. For the record, the Bates
17 stamp numbers are USK -- I'm sorry -- USQKN2468669
18 through 2468870. The document had been marked
19 confidential pursuant to the protective order.

20 I guess Exhibit 31 is being clawed back
21 now.

22 Now I want to go off the record briefly so
23 I can see if there's some documents I have left that
24 you're not going to claw back.

25 MR. REIMER: Fair enough. Okay.

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1 VIDEOGRAPHER: Off the record at
2 1247.

3 (12:47 p.m. - Recess taken.)
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